IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9233 of 2005

Between:

M. Ramanaiah, S/o. Venkateswarlu
R/o. Gongatireddy Palem H/o. Vardinenipalem (V), Jarugumalli (M) Prakasam District.

..... PETITIONER

AND

1 The District Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Kandukur, Prakasam District.
4 Bramillavagu Cheruvu Water Users Association, Rep. by its Person in charge, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in proceeding ahead with process of election to the 4th respondent body without deciding objections and appeal filed before the 1st Respondent is illegal, irregular, and violative of Art. 14 of Constitution of India and also the provisions of A P Formers Management of Irrigation Systems Act 1997 and the rules framed there under and consequently direct the respondents not to conduct election to the 4th Respondent body without deciding the appeal and objections filed before the 1st Respondent after giving an opportunity of hearing and before taking upon the election process and pass such other order or orders as the Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 9233 OF 2005.

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ORAL ORDER:

Petitioner seeks declaration that the action of the respondents in holding elections for the Gongatireddy palem village Water Users Association on 25.4.2005 pending his appeal as illegal and arbitrary and contrary to the A.P. Farmers' Management of Irrigation Systems (Delineation and formation of Water Users Associations) Rules, 2003.

As seen from the record, the voters' list was published on
4-4-2005 and that the petitioner filed his objections before the District Collector on the same day i.e. on 11.4.2005 i.e. within seven days as prescribed under the amended Rule 10 of the Rules, for correction of the voters' list, but the same was not considered.

Having regard to the said facts and circumstances, since the petitioner his filed his objections within the time limit, the District Collector is hereby directed to dispose of the objections/appeals preferred by the petitioner before 25.4.2005, in accordance with law.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

21-04-2005

Note:

Issue operative portion of the

Order on wire at party's cost.

B/0 kvsn.

To

1 The District Collector, Prakasam District at Ongole.

2 The Revenue Divisional Officer, Kandukur, Prakasam District.

3 The Mandal Revenue Officer, Kandukur, Prakasam District.

4 Bramillavagu Cheruvu Water Users Association, Rep. by its Person in charge, Prakasam District.

5 Two CCs to GP FOR IRRIGATION & COMM AREA DEV. High Court buildings, Hyderabad.

6 Two CD copies.